

Remarks

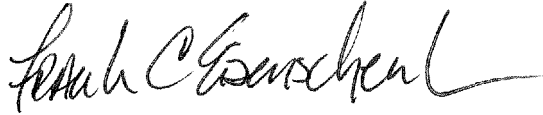
Claims 50-86 are pending in the subject application. By way of this amendment, claims 50-55 and 62 have been amended, new claims 87-89 presented and claims 61 and 64-86 canceled. Accordingly, claims 50-60 and 62-63 are currently before the Examiner (with claims 62-63 standing withdrawn from consideration). Support for the amendments to the claims can be found, for example, at pages 18-19 and the originally presented claims. Claims 50-52 and 54-60 and 88-89 read on the elected invention. Favorable consideration of the pending claims is respectfully requested.

Applicants acknowledge that the Patent Office may, where appropriate, require applicant, under 35 U.S.C. § 121, to elect claims to either the product or process and that claims directed to the non-elected invention are withdrawn from further consideration under 37 C.F.R. § 1.142. However, Patent Office policy related to the treatment of product and process claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b) indicates that if applicant elects claims directed to the product and the product is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product will be rejoined. With respect to this policy, Applicants respectfully submit that claims 62-63 relate to withdrawn process claims that include all the limitations of, or depend from, the product claims under examination in this matter. Should the product claims currently under examination in this matter be found allowable by the Patent Office, Applicants respectfully request that the Patent Office rejoin claims 62-63 and that these claims be allowed as well.

Applicants note the Examiner's comments at page 2 of the Office Action as relates to certain of the claims (page 2, paragraphs 2-3). It is respectfully submitted that the issues raised in the Office Action are moot in view of the amendments made to the claims, namely the amendment of claim 53 to recite the sequence of the plurality of polypeptides that make up the recited potassium channel and the cancellation of claim 83. Additionally, it is respectfully submitted that the issue as relates to claims 75-80 is the result of an inadvertent typographical error introduced into the claims; however, this issue is also moot in view of the cancellation of these claims.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank C. Eisenschenk", with a long horizontal flourish extending to the right.

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